

Talks on new sewer district fee break down; trial is next step

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The Northeast Ohio Regional Sewer District and communities protesting a proposed storm-water management fee have cut off settlement talks to pursue a trial.

Cuyahoga County Executive Ed FitzGerald had initiated the talks, corralling mayors and sewer representatives at the county administration building in April and arranging for Cleveland State University Provost Geoffrey Mearns to mediate, at no cost.

But after months of negotiating, including at closed-door meetings that FitzGerald held Monday, the two sides couldn't agree on the fee — about \$57 a year for average homeowners, as proposed by the sewer district, on top of ongoing double-digit rate increases for water and sewer services.

"It's over," district Executive Director Julius Ciacchia said Tuesday.

"We exchanged ideas, put issues on the table but in the end could not bridge them."

Two dozen Cuyahoga and Summit county communities are suing the sewer district over the charge, which would pay for projects to reduce flooding and control erosion across the region.

A Cuyahoga County Common Pleas judge ruled in April that the district has authority to oversee regional storm water issues. The trial — scheduled for Oct. 31 in the common pleas court — will focus on whether the district can charge the fee, which some mayors have argued is an unvoted tax.

FitzGerald said groundwork established in the mediation may still lead to an eventual settlement.

"Both sides felt it was a productive exercise to finally have face-to-face, substantive settlement discussions, which hadn't happened," FitzGerald said.

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"With something of that great public concern, it's worth the effort."

The district voted in January 2010 to charge homeowners, schools, businesses and

churches, based on the amount of hard surface on their property. The fees would create a pool of \$38 million annually to pay for projects. For property owners like the Cleveland Metropolitan School District, the cost would top \$200,000.

The intervention was FitzGerald's first failed attempt as a facilitator. In April, he brokered an agreement between the feuding Hunger Network of Greater Cleveland and Cleveland Food-

Bank. In June, he announced a merger study among four East Side suburbs.

But FitzGerald said he would tackle similar standoffs in the future.

"We knew it was a long shot, but we felt that one of the constructive roles that the county can play is to make sure two sides of a dispute like this are at least sitting down and talking together," he said.

Cleveland Heights Mayor Ed Kel-

ley lauded FitzGerald's actions.

"The county should be involved in this," Kelley said. "In the past, under the commissioner system, everybody just kind of recklessly went about their business. In this case, Ed showed to me a lot of leadership just to get involved. He could have just sat on the sidelines."

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